

(1) was properly located and maintained under the general mining laws prior to the date of enactment of this Act;

(2) was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this Act, or satisfied the limitations under existing law for millsite claims; and

(3) continues to be valid under this Act.

In section 3(c)(1), strike the matter preceding subparagraph (A) and insert "Any Federal land shall be subject to the requirements of section 102(a)(2) if the land is—".

In section 3(c)(2), strike "section 102" and insert "section 102(a)(3)".

Amend section 102(a)(3) to read as follows:

(3) FEDERAL LAND ADDED TO EXISTING OPERATIONS PERMIT.—Any Federal land added through a plan modification to an operations permit that is submitted after the date of enactment of this Act shall be subject to the royalty that applies to Federal land under paragraph (1).

Strike section 102(a)(4) (and redesignate the subsequent paragraph accordingly).

Amend section 103(a)(4) to read as follows:

(4) Moneys received under this subsection that are not otherwise allocated for the administration of the mining laws by the Department of the Interior shall be deposited in the Locatable Minerals Fund established by this Act.

In section 202(a), strike "Any State" and insert "Subject to valid existing rights, any State".

In section 202(b)(3), after "petition" insert "subject to valid existing rights,".

In section 303(g)(4), strike "All moneys" and all that follows through the end of the sentence.

In section 304(h)(4), strike "All moneys" and all that follows through the end of the sentence.

In section 309, strike "the National Park System" and insert "a National Park".

In section 309, strike "including its scenic assets, its water resources, its air quality, and its acoustic qualities, or other changes" and insert "including wildlife, scenic assets, water resources, air quality, and acoustic qualities, or other changes".

Amend section 402(2) to read as follows:

(2) All fees received under section 304(a)(1)(B).

Amend section 402(6) to read as follows:

(6) All amounts received by the United States pursuant to section 103 as claim maintenance and location fees minus the moneys allocated for administration of the mining laws by the Department of the Interior.

In section 504(a)(1), strike "alleged" and insert "alleged".

In section 504(a)(1), strike "pursuant to this Act" and insert "pursuant to title III of this Act".

In section 504(a)(1), strike "under this Act" and insert "under title III of this Act".

Amend section 511 to read as follows (and conform the table of contents in section 1(b)):

SEC. 511. OIL SHALE CLAIMS.

Section 2511(f) of the Energy Policy Act of 1992 (Public Law 102-486) is amended as follows:

(1) By striking "as prescribed by the Secretary".

(2) By inserting before the period the following: "in the same manner as required by title II and title III of the Hardrock Mining and Reclamation Act of 2007".

At the end of section 513, add the following:

(d) SOVEREIGN IMMUNITY OF INDIAN TRIBES.—Nothing in this section shall be construed so as to waive the sovereign immunity of any Indian tribe.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I ask unanimous consent to modify the amendment by the form that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. RAHALL:

In the instruction relating to section 202(b)(3), insert before the word "insert" the following phrase: "in the first place it appears".

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, following 2 days of committee consideration of the bill during which the committee debated 25 amendments, we continued a dialogue with several members of the committee, both sides of the aisle, Democrat and Republican in order to further perfect the underlying legislation and to keep the fairness of the process open.

This manager's amendment is a result of those deliberations. In summary, the manager's amendment would, one, clarify that valid existing rights associated with existing mining claims would be protected under the act.

Number two, this amendment clarifies that, in addition to paying a 4 percent royalty, existing operations would still need to come into compliance with the act within 10 years.

Number three, this amendment clarifies that the claim maintenance and location fees currently allotted to the administration of the mining claims will continue to be so allotted with the balance going to cleanup of abandoned hardrock mines.

In addition, in this amendment, as requested by the gentleman from Colorado (Mr. LAMBORN), user fees assessed by the BLM to process mining permit applications would be used for administration of the mining law program.

The manager's amendment would further limit the purview of section 504 citizen suits to permits issued pursuant to title III of the act as suggested by Mr. CANNON of Utah.

The manager's amendment would clarify that nothing under this act will affect the sovereign immunity of any Indian tribe.

That concludes the summary explanation of the manager's amendment.

Mr. Chairman, I urge an "aye" vote. I reserve the balance of my time.

Mr. PEARCE. Mr. Chairman, we have no objection to the amendment and would yield back our time.

Mr. RAHALL. I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PEARCE

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-416.

Mr. PEARCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PEARCE:
In section 2(a), strike paragraph (19).

The CHAIRMAN. Pursuant to House Resolution 780, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, this amendment is actually quite simple. It deletes the new definition for "undue degradation."

H.R. 2262 changes the current standard contained in the Federal Land Policy and Management Act from unnecessary and undue degradation to just undue degradation, which is defined to mean "irreparable harm to significant, cultural or environmental resources on public lands that cannot be effectively managed."

The new definition is dramatically different from the existing regulatory definition of unnecessary and undue. Under current law, unnecessary and undue degradation means impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations based on sound practices, including use of the best reasonable and available technology.

The definition now in this H.R. 2262 reinstates a Clinton-era change to regulations governing hardrock mining on Federal lands that was rescinded in 2001 after a very open, public review of the Clinton regulatory scheme.

The Clinton-era definition for undue degradation was specifically rejected. It was rejected by the Bureau of Land Management Environmental Impact Statement that reviewed the Clinton regulations and declared it to be too vague and too subjective. The BLM EIS process included scoping for the EIS, which included a formal 81-day comment period and 19 public meetings in 12 cities; placing the proposed regulations, draft EIS and related documents on BLM's Internet Web site; and finally, two public comment periods for the EIS, including 29 public hearings in 16 cities.

After this very thorough process, the BLM found that this definition was, essentially, an opportunity for the Secretary of the Interior to deny a mining company an operating permit, even though the proposed mining operation